



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**925 CIVIL APPLICATION NO. 2092 OF 2022
IN FAST/3085/2021**

Nagarao Shankarrao Shinde

....Applicant

VERSUS

The State Of Maharashtra And Ors.

.....Respondents

....

Ms. Laxmi Thakur h/f Mr. Patil Laxmikant C., Advocate for Applicant

Mr. V. M. Jaware, AGP for the Respondent Nos.1 and 2/State

Ms. S. M. Zaware, Advocate for Respondent No.3 / Acquiring Body

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CORAM : NEERAJ P. DHOTE, J.

Dated : December 21, 2023

PER COURT :-

1. Heard Ms. Thakur, learned Advocate for the Applicant, learned AGP for the Respondent Nos.1 and 2/State and Mr. Zaware, learned Advocate for Respondent No.3 / Acquiring Body.

2. This is an Application under Section 5 of the Limitation Act for condonation of 316 days delay caused in filing the First Appeal against Judgment and Order / Decree dated 21st January, 2019, passed by learned Civil Judge, Senior Division, Mukhed, in Land Acquisition Reference No.211/2009.

3. According to the Applicant, he is an agriculturist and was depended upon the agricultural land, which has been acquired. Since the amount of compensation was not deposited, he had to collect money for preferring the Appeal and only after arranging the amount by way of hand-loan, he

could prefer the Appeal. The learned Advocate for the Applicant submits that the Applicant shall not claim any interest and statutory benefits for the delayed period and shall file the undertaking in that regard. Hence, the delay may be condoned.

4. Learned AGP for the Respondent Nos.1 and 2 and Ms. Zaware, learned Advocate for Respondent No.3 / Acquiring Body opposed the Application.

5. The law in respect of condonation of delay is well settled by catena of Judgments of this Court and of the Hon'ble Apex Court. In recent Judgment in the case of **Sheo Raj Singh (Deceased) Through L.Rs and Other Vs. Union of India and Anr.; MANU/SC/1098/2023**, the Hon'ble Apex Court has considered the earlier Judgment on the subject matter.

6. Considering the settled legal position under the law and the reasons put-forth by the Applicant in the Application, the delay of 316 days caused in filing the Appeal is condoned subject to the Applicant filing undertaking to the effect that he shall not claim any interest and statutory benefits for the delayed period. The Office to register the Appeal. The Application stands disposed of accordingly.

[NEERAJ P. DHOTE, J.]